

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL LOCKWOOD,	:
Plaintiff	:
v.	: Case No. 3:13-cv-51-KRG-KAP
JOHN PREBISH, WARDEN,	:
CAMBRIA COUNTY PRISON, <u>et al.</u> ,	:
Defendants	:

MEMORANDUM ORDER

This matter is before Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636 and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on July 15, 2013, docket no. 24, recommending that defendants Primecare Medical, Inc. and Sandra Abbey's motion to dismiss, docket no. 18, be granted in part and denied in part; screening the amended complaint under 28 U.S.C. § 1915A the Report and Recommendation also recommended dismissal of defendants Warden Prebish, the Borough of Ebensburg, mayor of Ebensburg, the Sheriff of Cambria County, and various John Doe corrections officers.

The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Plaintiff filed untimely objections at docket no. 38, that I have nevertheless reviewed.

After de novo review of the record and the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 14th day of February, 2014, it is

ORDERED that defendant's motion to dismiss, docket no. 18, is granted in part and denied in part as more fully set out in the Report and Recommendation, which is adopted as the opinion of the Court. The Clerk shall correct the caption to reflect that defendant County Jail Medical Staff is actually PrimeCare Medical, Inc. and Dr. Abby is actually Sandra Abbey. The defendants other than PrimeCare Medical, Inc. and Sandra Abbey are dismissed from this action. The matter remains with the Magistrate Judge for further proceedings.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a large initial "K".

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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